

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

GLAXO GROUP LIMITED,

Plaintiff,

Civil Action No. 04-171

v.

TEVA PHARMACEUTICALS USA, INC. and
TEVA PHARMACEUTICAL INDUSTRIES
LIMITED,

Defendants.

TEVA'S MOTION FOR SUMMARY JUDGMENT OF NON-INFRINGEMENT

Defendant Teva Pharmaceuticals USA, Inc. and Teva Pharmaceutical Industries Limited ("Teva"), respectfully move pursuant to Fed. R. Civ. P. 56 for summary judgment, seeking judgment as a matter of law that Teva's ranitidine formulation does not infringe the claims of the '249 patent. The grounds for this motion are fully set forth in the accompanying brief filed herewith.

YOUNG CONAWAY STARGATT & TAYLOR, LLP



Dated: June 30, 2006

Josy Ingersoll (# 1088)
Adam W. Poff (# 3990)
Karen E. Keller (# 4489)
The Brandywine Building
1000 West Street, 17th Floor
P.O. Box 391
Wilmington, DE 19899
Telephone: (302) 571-6600
apoff@ycst.com

Mark D. Schuman (Pro Hac Vice)
Ronald A. Daignault (Pro Hac Vice)
Jeffer Ali (Pro Hac Vice)
Jeffrey C. Brown (Pro Hac Vice)
Merchant & Gould LLC
3200 IDS Center
80 South 8th Street
Minneapolis, MN 55402
*Attorneys for Defendants Teva Pharmaceuticals USA, Inc.
and Teva Pharmaceutical Industries, Ltd.*

CERTIFICATE OF SERVICE

I, Adam W. Poff, Esquire, hereby certify that on June 30, 2006, I caused to be electronically filed a true and correct copy of the foregoing document with the Clerk of the Court using CM/ECF, which will send notification that such filing is available for viewing and downloading to the following counsel of record:

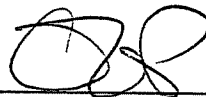
Francis DiGiovanni Esquire
Connolly Bove Lodge & Hutz LLP
The Nemours Building
1007 North Orange Street
Wilmington, DE 19801

I further certify that on June 30, 2006, I caused a copy of the foregoing document to be served by hand delivery on the above-listed counsel of record and on the following non-registered participants in the manner indicated:

BY FEDERAL EXPRESS

Brian P. Murphy, Esquire
Thomas Puppa, Esquire
Morgan Lewis & Bockius, LLP
101 Park Avenue
New York, NY 10178-0060

YOUNG CONAWAY STARGATT & TAYLOR, LLP



Adam W. Poff (No. 3990)
The Brandywine Building
1000 West Street, 17th Floor
Wilmington, Delaware 19801
(302) 571-6600
apoff@ycst.com
*Attorneys for Teva Pharmaceuticals USA, Inc. and
Teva Pharmaceutical Industries, Ltd.*